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C O N F I D E N T I A L HARARE 000418

SIPDIS

AF/S FOR B. NEULING  
NSC FOR SENIOR AFRICA DIRECTOR C. COURVILLE

E.O. 12958: DECL: 12/31/2010

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SUBJECT: SUPREME COURT KEEPS DAILY NEWS CLOSED

REF: (A) HARARE 249 (B) HARARE 180 AND PREVIOUS

Classified By: Charge d'Affaires a.i. Eric T. Schultz under Section 1.4  
b/d

1. (U) Zimbabwe's Supreme Court on March 14 announced its decision in a consolidated set of cases involving the Associated Newspapers of Zimbabwe (ANZ), publisher of the shuttered Daily News (TDN) and Daily News on Sunday (reftel). The Court set aside the Media and Information Commission's (MIC) refusal to register ANZ under AIPPA and ordered it to reconsider the ANZ's application. However, it also overturned an Administrative Court's earlier judgment in ANZ's favor and dismissed all of ANZ's outstanding constitutional challenges to the Access to Information and Protection of Privacy Act (AIPPA). The result of these decisions is almost certainly the continued closure of the Daily News.

2. (C) COMMENT: Almost certainly politically directed, this disappointing judgment reflects poorly on the independence of the Supreme Court and marks a setback for freedom of speech in Zimbabwe. Because the decision leaves open the possibility of ANZ being registered under AIPPA, the GOZ can be expected to portray the decision to its SADC friends as a positive development in the run-up to this month's parliamentary elections. However, even though the MIC's refusal to register TDN was overturned, the MIC -- one of the most repressive government organs -- is left in the driver's seat. It is highly unlikely to register TDN in time to permit publishing before the election. Indeed, whether TDN ultimately publishes again at all will likely depend on the ruling party's assessment of the political landscape after the election.

SCHULTZ